

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Harris on September 25, 2008.

The application has been amended as follows:

#### In The Claims

Claim 28, line 1, "28" should read --27--.

2. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or fairly suggest to one having ordinary skill in the art a dynamic brace comprising "a central joint pivotally connecting said brace arms to allow said brace arms to pivot from a flexed to an extended position; a medial/lateral joint in each brace arm proximate to said central joint; two cams disposed between said medial/lateral joints, each said cam having first and second ends, an arcuate cam surface at said first end proximate to one of said medial/lateral joints, and a contact surface at said second end; said cams positioned so there is a distance between said cam surface and said medial/lateral joint; a stop block proximate to said medial/lateral joint in each brace arm and opposite from said arcuate cam surface, said

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stop block adapted to contact and slide along a segment of said cam surface, as said brace arms pivot from said flexed to said extended position; wherein each said cam surface is shaped such that as said stop block slides along said segment of said cam surface, said brace arm is dynamically inclined an amount toward said leg; wherein the length of said segment determines said amount said brace arms are dynamically inclined; an adjustment wheel disposed between said contact surfaces of said cams, said wheel adapted to equally adjust said distance of said cams from said medial/lateral joints; wherein said stop blocks slides along a longer segment of said cam surfaces when said cams are closer to said medial/lateral joints” in combination with the other recited elements of claim 1.

The prior art also fails to teach or fairly suggest to one having ordinary skill in the art, a dynamic brace comprising “a central joint pivotally connecting said brace arms to allow said brace arms to pivot from a flexed to an extended position; a medial/lateral joint in each brace arm proximate to said central joint; two cams disposed between said medial/lateral joints, each said cam having first and second ends, an arcuate cam surface at said first end proximate to one of said medial/lateral joints, and a contact surface at said second end; said cams positioned so there is a distance between said cam surface and said medial/lateral joint; a stop block proximate to said medial/lateral joint in each said brace arm, opposite from said cam surface; a wheel pivotally connected in said stop block adapted to roll along a segment of said cam surface as said brace arms pivot from said flexed to said extended position; wherein each said cam surface is shaped such that as said wheel rolls along said segment of said cam surface,

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said brace arm is dynamically inclined an amount toward said leg; wherein the length of said segment determines said amount said brace arms are dynamically inclined as said brace arms reach said extended position; wherein said wheel rolls along a longer segment of said cam surfaces when said cams are closer to said medial/lateral joints; an adjustment wheel disposed between said contact surfaces of said cams; said adjustment wheel comprising a central aperture and two cam surfaces, each surface contacting said contact surface on one of said cams and having an arcuate shape such that as said adjustment wheel is rotated in a first direction, said cams are equally pushed radially outward toward said medial/lateral joints and as said adjustment wheel is rotated in a second direction, said travel cams are equally allowed to move radially inward away from said medial/lateral joints" in combination with the other recited elements of claim 12.

The prior art of record also fails to teach or fairly suggest alone or in combination, a dynamic brace comprising "a central joint pivotally connecting said brace arms such that said brace arms can pivot from a flexed to an extended position; a medial/lateral joint in each said brace arm proximate to said central joint; cam means for dynamically inclining said brace arms an amount toward said leg as said brace arms move to said extended position; adjustment means for adjusting said amount of inclination of each brace arms in said extended position; wherein said amount of inclination is equal for each said brace arm" in combination with the other recited elements of claim 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Information Disclosure Statement***

3. The information disclosure statement filed 6/1/04 has been changed. The office is not allowed to consider references with a date. Thus, the NPL listed on the PTO-1449 or substitute that does not contain a date has been lined through.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim M. Lewis whose telephone number is (571) 272-4796. The examiner can normally be reached on Wednesday to Friday, from 5:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco, can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kim M. Lewis/  
Primary Examiner  
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Kml  
September 26, 2008